



HRA Policy & Compliance Newsletter

DOAS Human Resources Administration Division



Happy New Year from the Department of Administrative Services, Human Resources Administration Division (HRA) and welcome to the second issue of the HRA Policy & Compliance Advisory Newsletter. This issue includes updates on recent State Personnel Board activity, a Drug Testing Corner, and guidance on Military Leave and Veterans' Preference issues.

We hope you find this newsletter helpful. Because of the complexity of the topics discussed within, please feel free to consult with your dedicated HRA Consultant on specific situations within your organization.

Thank you,
HRA Policy & Compliance Team



State Personnel Board Update

Recent Board Decision on a classified employee's termination appeal:

The Board recently upheld an Administrative Law Judge's decision in a classified employee dismissal case. The employee argued that agency precedent did not support dismissal. Click [here](#) to read more.

State Personnel Board Rules Activity:

- On December 10, 2013, the State Personnel Board adopted Rule 478-1-.30, Employee Assistance Program. This Rule has been approved by Governor Nathan Deal and will be posted on the DOAS website and by the Secretary of State in the near future. Click [here](#) to view the newly adopted Rule.

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- Also on December 10, 2013, proposed modifications to Rule 487-1-.14, Performance Management, were presented to the Board. These modifications, along with responses received during the public comment period, are scheduled to be presented to the Board for approval in February 2014.
- The Governor has signed into effect administrative modifications to the following Rules:
 - 478-1-.01 -- Organization of the Board
 - 478-1-.02 – Terms and Definitions
 - 478-1-.05 – Policy Guidelines
 - 478-1-.16 – Absence from Work
 - 478-1-.21 – Drug and Alcohol Free Workplace Program
 - 478-1-.22 – Employee Suggestion Program
 - 478-1-.23 – Family and Medical Leave
 - 478-1-.24 – Rules for Classified Employees

This update corrected titles and references and included a substantive change to Family and Medical Leave related to return-to-work documentation. Please visit the [DOAS website](#) to view the modified Rules, which will soon be available on the Secretary of State's website, as well.

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Acknowledging Military Service in the New Year

A Discussion of State Benefits Given to Employees Who are Serving or Have Served in the Military

As we say goodbye to the holidays, it is important to remember that some were not able to celebrate with their loved ones because they were serving in our military. Keeping that in mind, we wanted to start off the New Year by recognizing our employees throughout the State that have given time to military service. To acknowledge the sacrifices these individuals make, the State affords special employment rights to those who must take a break in employment with the State to serve on active duty, as well as preference to veterans who are seeking employment with the State after serving in the armed forces. The State recognizes the economic loss suffered by citizens who have served their country in uniform, and attempts to restore veterans to their prior employment status or to a favorable competitive position for State employment, while acknowledging the larger obligations owed to disabled veterans and their families. The rights given to these individuals are espoused through [Federal law](#), [Federal regulation](#), [State Constitution](#), [State statute](#), [State Personnel Board Rule](#), and [statewide policy](#). It can be complicated to navigate through these different provisions; so, to better understand how the State recognizes the sacrifices of our employees that serve or have served in the military, click the links below.

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- Who is covered under Federal statute, the Uniformed Services **Employment** and Reemployment Rights Act (USERRA)? [Answer](#)
 - Are there notice requirements under USERRA? [Answer](#) [USERRA Poster](#)
 - Must I hire an applicant who tells me about a future military obligation (even one that is long-term)? [Answer](#)
 - What are my obligations under USERRA to reemploy an employee returning from a period of service in the uniformed services? [Answer](#)
 - What is the "Escalator Principle" in relation to USERRA reemployment rights? [Answer](#)
 - Are there time limits for how long the returning employee has to return to work? [Answer](#)
 - Does the State provide any additional rights to State employees on military leave? [Answer](#)
 - Who is covered by the State military leave law? [Answer](#)
 - Must I pay a State employee on military leave any part of their State salary for time spent on leave? [Answer](#) [Statewide Policy](#)

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- Does the State treat an absence from work for military leave as an interruption of continuous employment? [Answer](#)
- Do State employees on military leave have any rights to contributions under the State retirement systems? [Answer](#)
- How do I apply veterans' preference credit? [Answer](#)
- When does veterans' preference not apply? [Answer](#)

Note for Federal Contractors...

For those of you who receive federal funding and are subject to the Office of Federal Contract Compliance Programs (OFCCP) rules, below is a link to an OFCCP fact sheet about new rules that make changes to the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA) at 41 CFR Part 60-300. The changes are scheduled to take effect on March 24, 2014.

[OFCCP Fact Sheet](#)



Substance Abuse Testing Advisories

New Vendor for Substance Abuse Testing

We are excited to announce that DOAS has awarded the drug testing contract to a new vendor, FirstLab. Some new enhancements you will notice with this contract include on-line education and training and random selections pulled by the vendor, rather than DOAS. FirstLab will offer direct access to results, and pricing remains competitive. We are on target for FirstLab to begin serving State agencies in spring 2014. Look for additional information in the coming weeks.

Direct Access

A big "Thank You" to those of you who provided contact information for your primary and secondary substance abuse testing coordinators. Both MedTox and i3screen have the updated Substance Abuse Testing Coordinators Roster and are sending out access credential information. If you have not already received direct access, then your login information and password will be sent shortly.

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